IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2616 OF 2004
IN
APPEAL NO.562 OF 2004
IN
NOTICE OF MOTION NO.598 OF 2004
IN
T & I J SUIT NO.4 OF 2004

Indresh Shyamsunder Advani & Ors. .. Appellants.

V/s.

Gopi Tarachand Advani .. Respondent.

Mr.Haresh Jagtiani, Senior Advocate with Satish Shah & Mihir Rele i/b. Amit D'Souza for the appellants.

Mr.N.H. Seervai, Senior counsel with Chetan Kapadia i/b. Nankani & Associates for the respondent.

CORAM : R.M. LODHA, &
J.P. DEVADHAR, JJ.

DATED : 8TH SEPTEMBER, 2004.

P.C. :

Heard.

2. Until further order the operation of clause (3) of para 29 of the impugned order dated July 12 & 13, 2004 shall remain stayed. However, the following order shall remain operative:

i) The appellants are directed to maintain status-quo with regard to the subject property as described in Exhibit - ‘W’ annexed to the affidavit in support of the notice of motion No.598 of 2004.

ii) The appellants are also restrained from alienating, transferring, disposing off or creating any third party right or interest in the subject property henceforth.

iii) The aforesaid order shall not preclude the appellants in applying to the concerned authorities for repairs and restoration of the subject property subject to the orders that may be passed in the appeal.

iv) If such permission is granted by the concerned authorities, liberty to the appellants to apply for suitable modification of the order of status-quo after giving notice to the respondents.

3. At the request of the learned senior counsel for the respondent, we observe that the court receiver appointed vide ad-interim order dated September 18, 2003 shall continue for a period of 10 weeks.

4. The notice of motion stands disposed of.

(R.M. LODHA, J.)

(J.P. DEVADHAR, J.)